



Mobile Food Vehicles Local Planning Policy

Version 1

Scheme Provisions:

LPS #11 3.2 Zoning Table
4.8.19 Outbuildings
LPS #10
4.1 Zoning and Development Table

Other References:

Shire of Northampton Local Planning Scheme No. 10
Shire of Northampton Local Planning Scheme No. 11
Planning and Development Act 2005
Shire of Northampton Itinerant Food Vendors Policy
Shire of Northampton Trading in Public Places Policy
Shire of Northampton Activities in Thoroughfares and Public Places and Trading Local Law 2017

Special procedural considerations:

| | | | |
|-----------------------|---|--|--|
| RESPONSIBILITY | Chief Executive Officer as per the Delegations Policy and Register. | | |
| ADOPTION | 15 March 2019 | | |
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1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the Mobile Food Vehicles local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 OBJECTIVE

- 2.1 Provide guidance on the requirements for the operation of mobile food vehicles within the Shire of Northampton;
- 2.2 Allow mobile food vehicles to operate in locations which support the activation of underutilised public spaces;
- 2.3 Ensure mobile food vehicles operate in a way which complements existing food businesses within town sites;
- 2.4 Ensure mobile food vehicles are of a temporary nature;
- 2.5 Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
- 2.6 Ensure mobile food vehicle operators practise safe food handling in accordance with the Food Act 2008.

3.0 POLICY STATEMENT

3.1 Definitions

'Itinerant food vehicle' means any vehicle selling food or drink from the roadway that travels from place to place to engage in trade, not staying in one location other than while executing a sale.

'Mobile food vehicle' includes any:

- a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; and
- b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

'Permit holder' means the person(s) whose name is written on the mobile food vehicle permit issued by the Shire of Northampton.

3.2 Application of Policy

3.2.1 This Policy applies only to mobile food vehicles operating in the Shire of Northampton.

3.3 Permits

3.3.1 Mobile food vehicles operating in the Shire of Northampton are required to:

- a) Hold a valid Shire of Northampton Mobile Food Vehicle Permit (granted under the Shire's Activities in Thoroughfares and Public Places and Trading Local Law 2017);
- b) Hold a current Food Registration Certificate from a Western Australian Local Government; and

- c) To obtain any other relevant approvals.

3.3.2 As a condition of being granted approval for a mobile food vehicle permit, permit holders must:

- a) Display the permit on the dash or another prominent visible location of the approved vehicle at all operating times;
- b) Comply with the conditions stipulated on the mobile food vehicle permit issued by the Shire of Northampton; and
- c) Comply with the requirements set out within this policy, unless approved otherwise by the Shire of Northampton.

3.3.3 A mobile food vehicle permit is not required for the following:

- a) Trading at a Shire of Northampton approved community event (e.g. the Kalbarri Canoe and Cray Festival and Northampton District Agricultural Show);
- b) Trading as an itinerant food vehicle; and
- c) Catering for a private event on public land.

Trading as detailed above may be subject to separate permits/approvals.

3.3.4 Trading on privately owned land

The trading of a mobile food vehicle may be considered upon privately owned land (e.g. within caravan parks) on a case by case basis and will be subject to the requirements set out within the provisions of this Policy.

3.4 Location and Siting

3.4.1 The Shire of Northampton may consider approving up to two (2) applications upon each of the following locations for mobile food vehicles to operate at any one time:

Northampton:

- Hampton Gardens carparking area (Site A)

Horrocks:

- Carparking area upon Lot 202, Horrocks, south of the Jetty carpark (Site B)

Kalbarri:

- Reserve 52436, adjacent to the Kalbarri Land-Backed Wharf (Site C)
- Red Bluff Beach Road (Site D)

The above locations are shown on a map in **Appendix 1** of this Policy.

3.4.2 Alternative locations may be considered if they meet the purpose of this policy.

3.4.3 The following location requirements apply to all applications for a mobile food vehicle permit:

- a) Mobile food vehicle permit holders are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business and 500m from a business selling the same, or similar, food product during that business' trading hours;
- b) Mobile food vehicles are only permitted to trade at the locations detailed on their permits; and
- c) Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.

- 3.4.4 Payment of the application fee allows mobile food vans to operate at multiple locations within the Shire of Northampton in accordance with the following:
- a) Each location must be approved by the Shire prior to the commencement of trade; and
 - b) Each location a mobile food vehicle is permitted to operate is detailed on the permit.
- 3.4.5 The Shire of Northampton reserves the right to make any approved location unavailable for a set period of time, for works to be undertaken at or near the location or for any other reason the Shire deems necessary.

3.5 Management

- 3.5.1 The permit holder is responsible for ensuring all conditions of the permit are met.
- 3.5.2 A change of vehicle or food business ownership is subject to assessment by the Shire of Northampton and will require that the vehicle and food business owner comply with all conditions of the permit and the relevant legislation under the Food Act 2008 in order to facilitate a change in permit (holder).
- 3.5.3 Should a transfer of permit be requested, the request is subject to updated food business registration and insurance requirements.

3.6 Waste Management

- 3.6.1 The mobile food vehicle operator is required to maintain the mobile food vehicle and the surrounding area to a high standard and in accordance with the following requirements:
- a) When trading at an approved location the trade area must be cleaned frequently;
 - b) No waste or litter from the vehicle may be disposed of into Shire of Northampton's rubbish bins. Mobile food vehicle operators must provide adequately sized bins for patrons use and remove all rubbish from the approved location at the end of trade;
 - c) A holding tank for wastewater must be located beneath the vehicle; and
 - d) Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system, and must be disposed of appropriately and in compliance with relevant legislation and local government requirements.

3.7 Fixtures

- 3.7.1 A mobile food vehicle may only be permitted to have temporary fixtures (subject to attaining the approval of the local government) such as tables, chairs, signs and umbrellas and be in accordance with the following:
- a) The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;
 - b) The mobile food vehicle and temporary fixtures must be kept in a safe and well-maintained condition at all times;
 - c) All temporary fixtures relating to the mobile food vehicle should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and
 - d) Any temporary fixtures relating to mobile food vehicles must not obstruct pedestrian flow or vehicular traffic.

3.8 Noise

- 3.8.1 The use of amplified noise is prohibited.
- 3.8.2 Generators must not have a manufacturer specified operational volume greater than 75dB. Noise emissions will be required to be monitored on an ongoing basis to ensure ageing equipment remains below this threshold, or compliance procedures may apply.
- 3.8.3 Notwithstanding the above provision (clause 3.8.2) all mobile food vehicle noise (including the generator) must comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

3.9 Advertising

3.9.1 All advertising is to be fitted to the mobile food vehicle with the exception of one temporary A-frame sign and one tear drop banner and:

- a) Shall be located as close as practicable, and not exceeding 75m, from the location of the mobile food vehicle, with this location being subject to the approval of the Shire of Northampton;
- b) A-frame signs shall not exceed any dimension of 1m or an area of 1m² on any side;
- c) Shall be secured in accordance with any requirements of the Shire of Northampton; and

A-frame signs and tear drop banners will be considered to be temporary fixtures and must comply with the requirements detail in cl. 3.7 of this policy.

3.10 Power

3.10.1 Mobile food vehicles need to be provided with their own power supply unless otherwise approved by Council. The use of generators upon Reserve 52436 will not be permitted except in emergency situations (e.g. power outages).

3.11 Public Risk Management

3.11.1 The permit holder assumes responsibility for any acts of negligence arising from their activity.

3.11.2 The mobile food vehicle permit holder assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle being at the location.

3.12 Approval Process

3.12.1 Applications for a mobile food vehicle permit can be submitted year round. The following information is required:

- a) A completed Shire of Northampton mobile food vehicle permit application form as attached at **Appendix 2**;
- b) A site plan detailing the proposed location(s) and the internal layout of the mobile food vehicle;
- c) A list of nominated locations to operate from;
- d) A current Certificate of Currency (Public and Product Liability Insurance) for a minimum of \$20,000,000;
- e) A copy of the manufacturer's specifications for any generators to be used; and
- f) A copy of a current Food Registration Certificate issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.

3.13 Fees

3.13.1 The permit holder will be required to pay the fees and charges as prescribed in the Shire of Northampton adopted Fees and Charges.

3.13.2 Only a single payment of the permit holder fee is required per permit period, regardless of the number of approved locations within the Shire of Northampton.

3.13.3 Permits will not be issued until the required fee has been paid.

3.14 Permit Renewal and Cancellation

3.14.1 A mobile food vehicle permit may be cancelled or amended at the discretion of the Shire of Northampton or if the permit holder fails to comply with the permit conditions. Where a mobile food vehicle permit holder seeks to renew the permit, an application must be submitted at least one month prior to the expiry of the existing permit.

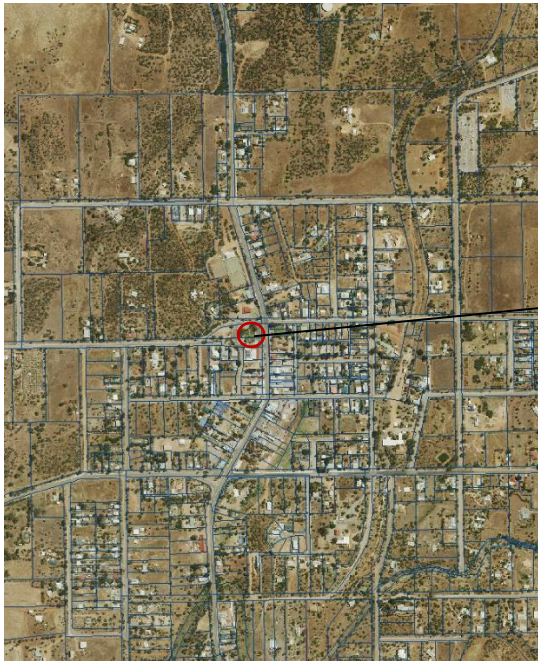
3.1.4.2 A renewal application is to include:

- a) A complete Shire of Northampton mobile food vehicle permit renewal form;
- b) A list of nominated locations to operate from;
- c) Details of any proposed changes to the mobile food vehicle or how it is operated;
- d) A copy of a current public liability insurance 'Certificate of Currency' for the amount of \$20,000,000; and
- e) A copy of a current Food Registration Certificate issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.

3.1.4.3 Renewal applications will be assessed on a case by case basis by the Shire of Northampton.

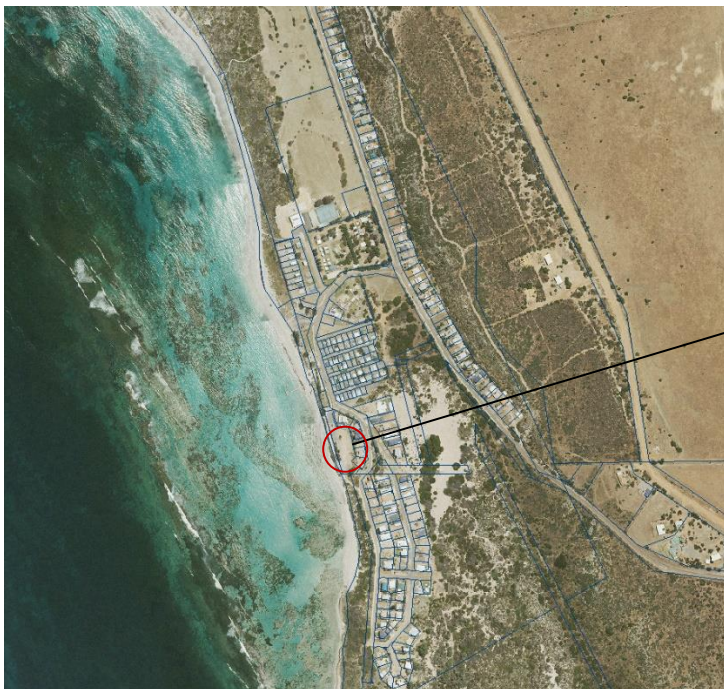
Appendix 1. Possible mobile food vehicle trading locations (subject to final siting approval by the Shire of Northampton)

Site A – Carparking area Hampton Gardens, Northampton



Proposed mobile food vehicle parking areas

Site B – Carparking area upon Lot 202, Horrocks.



Site C - Reserve 52436, adjacent to the Kalbarri Land-Backed Wharf, Kalbarri



Proposed mobile food vehicle parking areas

Site D - Red Bluff Beach Road, Kalbarri



Appendix 2. Mobile food vehicle permit application form

Application Form - Permit to Operate a Mobile Food Vehicle

Applicant Details

| | |
|--|----------|
| First Name: | Surname: |
| Business Name: | |
| Trading Name | |
| ABN or ACN: [][]-[][][]-[][][]-[][][] | |
| Postal Address: | |
| Contact Telephone: | |
| E-mail: | |

Vehicle Details

| | |
|-----------------------|-----------------|
| Vehicle Registration: | Vehicle Colour: |
| Vehicle Make/Model: | |

Proposed Trading Days/Dates

Proposed Trading Times

| | |
|--|--|
| | |
|--|--|

Proposed Trading Location(s) (no additional fee for applying for multiple locations)

Northampton:

Hampton Gardens carparking area (Site A)

Horrocks:

Carparking area upon Lot 202, Horrocks, south of the Jetty carpark (Site B)

Kalbarri:

Reserve 52436, adjacent to the Land-Backed Wharf (Site C)

Red Bluff Beach Road (Site D)

Other proposed location/s (please specify below):

Please state the address where the mobile food vehicle is proposed to be stored outside of trading hours (NB. You may require additional approval for the storage of the vehicle, which may require you to apply and renew annually):

| |
|-------------------|
| Property Address: |
|-------------------|

Proposed Goods to be Sold:

| |
|--|
| |
|--|

Power and use of Generators

Do you intend to use a generator to supply power to your mobile food vehicle?

No

Yes – please specify sites where generator is proposed to be used:

Permit Type/Fees

Please select the preferred permit type.

- Three month permit = \$250
- Six month permit = \$500
- 12 month permit = \$1,000
- Temporary Permit (less than three months) = \$100

Successful applicants will be required to pay the fee(s) before start of operation.

The following non-refundable application fees will also be payable upon application:

- For applications upon Sites A, B, C or D: an application fee of \$50 (or renewal fee of \$30)
- For applications to use sites other than Sites A – D: an application fee of \$297, plus advertising expenses (for new applications and application renewals)

Attachments

A current Certificate of Currency for your public liability insurance, minimum \$10 million.

A floor plan detailing the internal layout of the mobile food vehicle, including dimensions and fittings.

Photographs of the external façades of the mobile food vehicle.

A site plan for any proposed trading locations, detailing the location of the vehicle in relation to other site features, infrastructure and lot boundaries. (NB. This is not required for Sites A – D, as specified above)

A site plan showing the location of the stored vehicle, outside of trading hours, detailing the distance from lot boundaries and other site features and buildings etc.

A current copy of the Applicant's Food Registration Certificate.

A copy of the manufacturer's specifications for any generators proposed to be used.

Starting Date of Permit

If your application is successful, what date would you prefer the permit to commence? (Please note that an application to trade upon a site not described as Site A, B, C or D may take up to three (3) months for a determination to be given)

Declaration

If applicant is not the owner: I/ we have notified the owner about this application.

I / we are authorised to sign on behalf of the applicant organisation.

| | |
|------------------------------|--------------|
| Name (please print): | |
| Signature: | |
| Position / authority: | Date: |